

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by making explicit what was at least implicit for the presently-claimed embodiment of a hydrophobic/oleophobic substrate, i.e., that the relief is made of the same material on all of its surfaces, as supported in the specification, for example, at page 9, lines 5-10 (hydrophobic/oleophobic agents incorporated into the substrate or else deposited in the form of a coating on the relief of the substrate.)

No new matter is believed to have been added. Claims 1, 2, 4-18, 27-31 and 61-63 remain pending in the application.

REMARKS

The Board affirmed the Examiner's rejection of Claims 1, 2, 4, 6-10, 15, 17, 18, 27-31 and 61-63 under 35 U.S.C. § 102(e) as anticipated by, and of Claims 5, 11-14 and 16 under 35 U.S.C. § 103(a) as unpatentable over, US 6,352,758 B1 (Huang). The rejection is respectfully traversed.

In affirming the rejections over Huang in its initial decision, the Board erroneously assumed that the embodiment described in the specification at page 9, last paragraph, i.e., is an embodiment of the then-claimed invention. The Board found that that part of the specification "describes an embodiment which comprises alternating hydrophobic and hydrophilic surface regions and which therefore corresponds in structure and function to the substrate shown in Figures 1-3 of Huang. Appellants point to nothing in claim 1 which excludes their embodiment described on Specification page 9 or the corresponding embodiment shown in Figure 1 of Huang. Therefore, when claim 1 is given its broadest reasonable interpretation consistent with the Specification, the claim 1 substrate is structurally indistinguishable from Huang's substrate shown in Figures 1-3 as correctly found by the Examiner."

In their Request for Rehearing, Applicants pointed out that the limitation that the substrate be hydrophobic/oleophobic was added to Claim 1 by amendment filed December 1, 2005 to the body of the claim, and, in an effort to stress the importance of this limitation, was also added to the preamble for purposes of emphasis by the amendment filed June 5, 2006. By such amendment, the embodiment described in the specification at page 9, last paragraph was necessarily excluded from the scope of the claims. Indeed, a hydrophobic/oleophobic substrate cannot comprise a hydrophobic relief surface and a hydrophilic lower surface, as described in the specification at page 9, last paragraph. Thus, it was clear error for the Board to find that giving Claim 1 its broadest reasonable interpretation consistent with the

specification, the Claim 1 substrate is structurally indistinguishable from Huang's substrate.

Clearly, contrary to the findings by both the Examiner and the Board, the structure of

Huang's article is different from, and not suggestive of, the presently-claimed substrate.

Applicants reiterated that Huang's concept is the opposite of that of the presently-claimed invention, as argued in the Appeal Brief, and as the Board has found was incorrect.

In its decision on rehearing, the Board found that the above argument was untimely. The Board also found that Applicants have not explained why the claimed hydrophobic/oleophobic substrate necessarily excluded the above-discussed embodiment.

Thus, it is clear that the Board, on rehearing, did not find that the claimed hydrophobic/oleophobic substrate was inclusive of the above-discussed embodiment but rather, that Applicants' argument was not timely.

The argument is timely now, in view of the filing of this RCE.

As far as explaining why the claimed hydrophobic/oleophobic substrate necessarily excluded the embodiment described in the specification at page 9, last paragraph, the broadest reasonable interpretation of the claims prior to the above-discussed amendment was that the recited relief was made of the same material on all of its surfaces, rather than materials differing depending on whether they are in hydrophilic areas or hydrophobic areas. The above-discussed amendment makes that explicit.

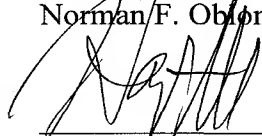
Regarding Claim 2, while the Board dismissed Applicants' arguments on various procedural grounds as to why siloxane coupling agents are not silicones, **submitted herewith** are articles entitled "Silicone" and "Siloxane" from Wikipedia. Thus, silicones are polymers frequently referred to as **polysiloxanes** (emphasis added.) Siloxane coupling agents are well-known low molecular weight materials.

For all the above reasons, it is respectfully requested that the rejections be withdrawn.

Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Harris A. Pitlick
Registration No. 38,779

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)